

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2014-008832

10/22/2014

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT  
A. Quintana  
Deputy

SALES FORCE WON LTD

SCOTT D FREEMAN

v.

TEIXIDOR ENTERPRISES INC

RICHARD G NEUHEISEL

UNDER ADVISEMENT RULING

The Court finds, after considering the evidence and testimony at the evidentiary hearing on October 20, 2014 and the evidence and testimony from the trial on September 16, 2014, that Plaintiff has met its burden of proving that Defendant has an ownership interest in the equipment listed in the proposed “Writ of Attachment (with Notice),” which will be referred to as “the subject property.”

Defendants’ witnesses have been inconsistent, at best, in their denials of ownership of the subject property. Initially at the September 16, 2014 hearing, Eduardo Texidor claimed Texidor Enterprises, Inc. owned the subject property. He then claimed that he had sold the property to an entity called “Capital Core Enterprises,” which he contended was an entity set up by himself, his sons and a family friend, for purposes of estate planning. The Court recessed to allow the parties to conduct discovery on this limited issue, and set a strict schedule for that discovery. Defendant failed to participate in the discovery, not showing up for depositions and not timely responding to written discovery request. <sup>1</sup> The Court draws an adverse inference against Defendant based on its failure to participate in the ordered discovery.

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<sup>1</sup> Defendant has offered excuses for its failure to participate in discovery, but only after the relevant deadlines have passed and only when its failure was brought to the Court’s attention by Plaintiff.

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Based upon the evidence produced and the adverse inference, the Court finds that Defendant either has a property interest in the subject property or is in privity with the entity to who it transferred its property interest in the subject property, such that it is likely that Plaintiff could attach that property to collect any judgment in its favor in this case.

For these reasons, the Court has signed the proposed "Writ of Attachment (with Notice)" on October 20, 2014 with "Adamatic roll machine" excised.

FILED: Writ of Attachment (with Notice)